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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,066	09/01/2000	Claus Meder	4175-0102P	5955

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EXAMINER

FUREMAN, JARED

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/654,066

Applicant(s)

MEDER, CLAUS

Examiner

Jared J. Fureman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

Receipt is acknowledged of the preliminary amendment filed on 1/23/2001, which has been entered in the file. Claims 1-14 are pending.

#### ***Specification***

1. The abstract of the disclosure is objected to because of the use of the legal terminology "means". All instances of "means" should be removed from the abstract. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

2. Claims 2 and 8 are objected to because of the following informalities: In line 2, "means" should be replaced with --device--, to maintain consistency with claim 1, line 4. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Jenkins et al (US 6,264,104 B1).

Re claims 1-4, 8, 10, and 14: The admitted prior art teaches an operator unit for an X-ray examining apparatus, having an operating field for operation of an operating system of the X-ray examining apparatus and a monitor for displaying an X-ray image

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for an operator, wherein the operator enters a digital code via the operator panel in order to identify the user (see page 1, lines 3-12, of the specification).

The admitted prior art fails to teach an identification system including a counterpart device and an identification means for an operator is incorporated into an operator unit of the X-ray examining apparatus, the counterpart device being a card reader, the identification means being an contacting identification device, the contacting identification device being a magnetic card, the counterpart device having a read mode by means of which the identification device is read with person-specific data, the counterpart device being integrated into the operating field, a live scanner being connected upstream from the identification system.

Jenkins et al teaches that the use of an identification system including a counterpart device and an identification means for an operator is an art recognized equivalent to entry of a digital code (a PIN) by the operator, the counterpart device being a card reader (a magnetic card reader being necessarily present for use with a magnetic card), the identification means being an contacting identification device, the contacting identification device being a magnetic card, the counterpart device having a read mode by means of which the identification device is read with person-specific data (the identification information stored on the magnetic card) (see column 2 lines 24-27). Jenkins et al also teaches that a fingerprint may be used for identification purposes, thus requiring a live scanner being connected upstream from the identification system (see column 2, lines 24-27).

In view of Jenkins et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by the admitted prior art, to include: an identification system including a counterpart device and an identification means for an operator is incorporated into an operator unit of the X-ray examining apparatus, the counterpart device being a card reader, the identification means being an contacting identification device, the contacting identification device being a magnetic card, the counterpart device having a read mode by means of which the identification device is read with person-specific data, the counterpart device being integrated into the operating field, a live scanner being connected upstream from the identification system, since the use of a magnetic cards and fingerprints are an art recognized functional equivalent to entry of a digital code (a PIN) for operator identification.

Re claim 13: The teachings of the admitted prior art as modified by Jenkins et al fails to specifically teach the identification device being connected to the operator by a mechanical connection.

However, Official Notice is taken that at the time of the invention it was well known to those of ordinary skill in the art to connect an identification device (such as an identification badge or card) to the individual to be identified by a mechanical connection (such as a necklace or a clip), in order to enable the identification device to be carried by the individual in plain view.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified

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by Jenkins et al, the identification device being connected to the operator by a mechanical connection, in order to enable the identification device to be carried by the individual in plain view.

5. Claims 5-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Jenkins et al as applied to claim 1 above, and further in view of Xydis (US 6,070,240).

The admitted prior art as modified by Jenkins et al fails to teach the identification device being an identification device which operates without contact, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area, the operator unit being activated by the identification device.

Xydis teaches an identification system including the use of an identification device which operates without contact, the identification device being a transponder (22) which works together with a counterpart device (transceiver 20) of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area (the operating range of transceiver 20 and transponder 22), an operator unit (computer 12, monitor 14, keyboard 16) being activated by the identification device (see figures 1, 2, column 1 lines 23-63, column 2 line 24 - column 3 line 25, column 3 lines 35-50, column 3 line 62 - column 4 line 17).

In view of Xydis' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by the admitted prior art as modified by Jenkins et al, to include: the identification device being an identification device which operates without contact, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area, the operator unit being activated by the identification device, in order to provide automatic identification of the operator without requiring the operator to swipe/insert a magnetic card, thus, creating a more efficient system.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Jenkins et al as applied to claims 1 and 8 above, and further in view of Zanchi (US 5,814,798).

The admitted prior art as modified by Jenkins et al fails to teach the read data being recorded in various X-ray apparatuses and is combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device.

Zanchi teaches an identification system including an identification device (105), wherein read data (preferences) is recorded in various apparatuses (101, 111, 121, 131, 141) and is combined and stored centrally on the identification device, an individual instrument setting (for example, display attributes) is accomplished by means of the identification device (see figures 1-5, column 2 lines 58-65, and column 3 lines 6-24).

In view of Zanco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Jenkins et al, the read data being recorded in various X-ray apparatuses and is combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device, in order to automatically customize the apparatus to the individual operator, thus alleviating the need for the operator to manually customize the apparatus to their preferences.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aust et al teaches a workstation for an X-ray examining apparatus, and is a US equivalent to DE 199 10 615 (described in applicants specification). Rawson et al (US 3,693,166), Schmitt et al (US 5,865,745), and Dewaele (US 6,047,257) teach allowing entry and/or viewing of medical images (such as X-rays) by identifying an operator via a magnetic card, bar code, and voice recognition, respectively. Kim (US 5,836,010) and Ito et al (JP 9-34884) both teach computer login and/or setting preferences via an operator's identification card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*jjf*

jjf

March 9, 2002

  
MICHAEL G. LEE  
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